

2-6

PROPOSED ELEMENTS OF A WATER RIGHT

S. F. 5
12/13/94

1. The name and address of the claimant is:

Smith Ranches, Inc.
P.O. Box 106
Darlington, Idaho 83231

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Dry Fork Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year

is: .23 cfs for Stockwater
.01 cfs for Domestic

.23 total quantity

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: April 1, 1962

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is. (This claim is for an instream flow as well as for 2 domestic uses. The legal description of the beginning and ending points of the claimed instream flow are identified as such: T3N R23E Sec. 25 SESE (Domestic); T3N R24E Sec. 31 NWSE (Domestic); T3N R23E Sec. 24 NWSW (Beginning Point); T3N R24E Sec. 8 NESE (Ending Point)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Stockwater/Domestic

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:

1/1 - 12/31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is: Place of Use (Stockwater): T3N R23E Sec. 24 NWSW; T3N R23E Sec. 24 SESW; T3N R23E Sec. 25 SWNE; T3N R23E Sec. 25 NENW; T3N R23E Sec. 25 SWNW; T3N R23E Sec. 25 NESE; T3N R23E Sec. 25 SESE; T3N R24E Sec. 8 NESE; T3N R24E Sec. 8 SESE; T3N R24E Sec. 16 NWNW; T3N R24E Sec. 16 SWNW; T3N R24E Sec. 17 SENE; T3N R24E Sec. 17 NENW; T3N R24E Sec. 17 NWSE; T3N R24E Sec. 20 NESE; T3N R24E Sec. 20 SESE; T3N R24E Sec. 28 SWNW; T3N R24E Sec. 28 NWSW; T3N R24E Sec. 28 SWSW; T3N R24E Sec. 29 NENE; T3N R24E Sec. 29 SENE; T3N R24E Sec. 30 NWSW; T3N R24E Sec. 30 SWSW; T3N R24E Sec. 30 SESW; T3N R24E Sec. 31 SWNE; T3N R24E Sec. 31 NENW; T3N R24E Sec. 31 NESE; T3N R24E Sec. 32 SENE; T3N R24E Sec. 32 NESW; T3N R24E Sec. 32 NWSW; T3N R24E Sec. 32 NWSE; T3N R24E Sec. 33 NWNW; T3N R23E Sec. 33 SWNW. Place of Use (Domestic): T3N R23E Sec. 25 SWNE; T3N R24E Sec. 31 NESE

Required Statement: The parties have stipulated that the following places of use should be deleted: T3N R24E Sec. 17 SESE; T3N R24E Sec. 20 NENE; T3N R24E Sec. 20 SENE

9. The annual volume of consumptive use is: de minimis

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right

Water for domestic use is diverted by bucket from the source.

These matters are necessary because:

They are recommended in the Director's Report and they help define the right.

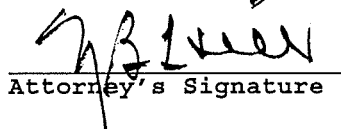
These matters do not fall within the 9 elements listed above because:

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

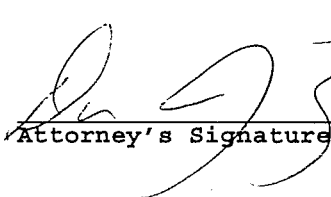
I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name: Smith Ranches, Inc.
Address: P.O. Box 106
City/State: Darlington, ID
Zip: 83231
Attorney of Record: M.B. Hiller

 1/25/95
Party's Signature Date

 1/30/95
Attorney's Signature Date

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Wash., DC 20004
Attorney of Record: R. Lee
Leininger/Daria Zane

 1/20/95
Attorney's Signature Date

Court Representative Date
(if necessary)

Name: IDWR
Address: 1301 N. Orchard St.
City: Boise
State/Zip: Idaho 83706
Attorney of Record: Susan Hamlin

 2/2/95
Attorney's Signature

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on Feb 2, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706

M.B. "Buck" Hiller
Hiller, Benjamin & Associates
Suite 2A, 525 Park Avenue
P.O. Box 52020
Idaho Falls, Idaho 83405-2020

A. Lynne Kugh
Idaho Dept. of Water Resource